

1 Trooper Huff that had sold this campaign hat ---

2 A. Uh-huh (yes).

3 Q. And you did learn that at some point?

4 A. Yes, sir.

5 Q. Okay. Did you have any input with

6 Captain Cotton on what to initially charge

7 Trooper Huff with?

8 A. No, sir.

9 Q. Okay. Let's look at -- I don't know if
10 we marked it the other day. I think we did.

11 MS. DAVIS: 44E.

12 MR. JAMES: What?

13 MS. DAVIS: 44E.

14 MR. JAMES: Well, she's getting
15 pretty good at reading my mind. She did.
16 Incredible.

17 Q. (Mr. James) I'm going to hand you what
18 we marked as 44E and then we have a different
19 version of it -- that's what I was looking for,
20 the one we marked already, 15. Okay.

21 MS. DAVIS: Nine. You haven't done
22 Nine.

23 MR. JAMES: Let's do Nine. Let's
24 do Nine and Ten.

25 Q. (Mr. James) Hand you what's marked for

1 investigation, yes, sir.

2 Q. Okay.

3 A. He had some other things that factored
4 into it. But in this case, his untruthfulness
5 along with the conformance to laws led to his
6 dismissal.

7 Q. The conformance to laws is a standard
8 reference to the North Carolina Embezzlement
9 Statute, 14-391, I think. And are you all saying
10 or did you believe that Trooper Huff's selling of
11 those state issued, low top shoes amount to
12 embezzlement?

13 A. Yes, sir.

14 Q. Okay.

15 A. I think any time you take something from
16 your employer and resell it for your own personal
17 use, then you're embezzling.

18 Q. All right. So where in this process --
19 we've got the initial investigation and a report
20 that's not dated. We know that the investigation
21 occurred in January 2014. January 16, 2014, was
22 the date of the transcript, I think. You can flip
23 back and look.

24 A. Yeah.

25 Q. Okay. So Trooper Huff is notified of

1 was?

2 A. No, sir.

3 Q. Okay. You've done nothing to look into
4 it, correct?

5 A. That's correct.

6 Q. All right. So let me correct you on one
7 fact. The Employment Security Commission, your
8 witnesses were Lieutenant -- then
9 Lieutenant Carter, First Sergeant Snotherly and it
10 was a telephone hearing conducted over two
11 different days. Have you reviewed that
12 transcript?

13 A. No, sir.

14 Q. Were you aware that Stanbury's name came
15 up in that hearing?

16 A. No, sir. I think the first time I heard
17 it was in the interrogatories. And I think that
18 when we were talking about the interrogatories,
19 when we were looking at those with legal counsel,
20 it came up that that's the first time it was
21 mentioned.

22 Q. Please -- I usually tell this but since
23 -- because of your position, I assumed you would
24 know. I'll never ask you what you talked about
25 with legal counsel. So I'm going to voluntarily

1 A. I -- I would be surprised if she said
2 that.

3 Q. Okay. And you'd be surprised because
4 you had talked with Major Harris about the
5 decision to dismiss Trooper Huff?

6 A. No. Because it's not Major Harris's
7 decision.

8 Q. Okay. So ---

9 A. (Inaudible). Okay.

10 Q. No, I'm sorry. I didn't mean to cut you
11 off.

12 A. No, go ahead. I'm fine.

13 Q. So, in the predisciplinary hearing, what
14 could Trooper Huff have done, if anything, to have
15 persuaded you that he should not be dismissed?

16 A. Prove that he hadn't lied, that he
17 hadn't sold the shoes, that he told the truth.

18 Q. Okay. But you got the transcript. So
19 what are you saying, there was an error in the
20 transcript?

21 A. No, sir.

22 Q. Okay.

23 A. You asked me what he could do to not be
24 fired. And that was to come in and show that we
25 were wrong somewhere, that he was wrong, that he

1 didn't lie. But the fact is he did lie.

2 Q. Okay. So, if the transcript's
3 accurate ---

4 A. Uh-huh (yes).

5 Q. --- and you didn't listen to the
6 exchange -- the verbal exchange on audio as
7 opposed to just reading the transcript. In your
8 opinion, there's nothing he could have done given
9 your conclusion that he lied?

10 A. Based on -- unless the facts changed,
11 no, there was nothing he could do. If the facts
12 changed, then yes. That's the reason we had the
13 conference.

14 Q. Were you aware that Trooper Huff was not
15 notified of the additional charges until that
16 conference?

17 A. No, sir.

18 Q. He should've been, shouldn't he?

19 A. I don't know how to answer that question
20 if in fact it should've been or not. When was the
21 conference?

22 Q. April 16th, 2014.

23 A. Okay. Right here on April 11th, he was
24 notified.

25 Q. All right. Show me where he says

1 for the upcoming conference." Do you see that?

2 That's in that second paragraph.

3 A. Yes, ma'am.

4 Q. The report of investigation, I believe

5 that that was Exhibit Number Ten that

6 Mr. James ---

7 A. Yes -- yes, ma'am.

8 Q. --- showed you. Exhibit Number Ten has

9 all of the allegations including untruthfulness

10 and the conformance to laws, does it not?

11 A. Yes, ma'am.

12 Q. All right. So Mr. Huff was fully aware

13 that he was being dismissed for not only the

14 violation of rules regarding the unserviceable

15 items and exchanges, the conformance to laws

16 violation but also the untruthfulness violation.

17 Is that correct?

18 A. Yes, ma'am.

19 Q. And that predisciplinary conference

20 letter, what's the date on that?

21 A. 11 April.

22 Q. And when was his PDC conference? It

23 says it in the letter.

24 A. 16 April.

25 Q. So he had five days.

1 A. Yes, ma'am.

2 Q. Are those technical violations the types
3 of violations that would lead to discipline
4 normally, however?

5 A. No, ma'am.

6 Q. However, the violations that are alleged
7 in this report of investigation, are those the
8 types of violations that would normally lead to
9 discipline?

10 A. Yes, ma'am.

11 Q. Okay. Mr. James asked you a lot of
12 questions earlier in our deposition about the
13 trademark questions and I think he said something
14 about a Chevy Tahoe and selling it. I don't know
15 the answer either to be honest with you. I don't
16 practice that type of law. But you do have -- not
17 just me, but you have in-house legal counsel that
18 you talk to about legal questions. Is that right?

19 A. Yes, ma'am.

20 Q. So you don't make decisions on your own
21 about legal stuff, right?

22 A. No, ma'am.

23 Q. Okay. And I just want to be clear. At
24 any time, was your decision to dismiss Mr. Huff
25 influenced at all by anyone outside of the Highway

1 Patrol?

2 A. No, ma'am.

3 Q. Was your decision to dismiss Mr. Huff
4 influenced by Governor McCrory who appointed you
5 to your position?

6 A. No, ma'am.

7 Q. You can retire at any time?

8 A. Yes, ma'am.

9 Q. If Governor McCrory tells you right now
10 thank you, Colonel Grey, for your service, you can
11 go to the house with your full pension?

12 A. Yes, ma'am

13 MS. HILL: Thank you, sir. Those
14 are my questions.

15 MR. JAMES: I don't have any more.

16 VIDEOGRAPHER: We're off the record
17 at 1:02 p.m.

18 WHEREUPON, at 01:02 o'clock p.m., the
19 deposition was adjourned.

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